



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,723	12/06/2001	Christopher John Gilham	3036/50649	2656

7590 05/19/2004

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,723

Applicant(s)

GILHAM ET AL.

Examiner

Joseph D Nguyen

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because the drawings are by hand and drawings need to be labeled. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 7-10, and 15-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Alewine et al. (6,150,961).

Regarding claim 1, Alewine et al. discloses a method for collecting location-dependent data in a central data collection point (abstract, fig. 2-3), comprising the steps of:

a) collecting location dependent data from a data source, in a nearby portable communications device (abstract, fig. 2-4, col. 1 line 35 thru col. 2 line 20);

b) transmitting the collected data to a base station of the portable communications device (fig. 2-4, col. 1 line 35 thru col. 2 line 43); and

c) communicating the collected data along with a location identifier to the data collection point (fig. 2-4, col. 1 line 35 thru col. 2 line 43, and col. 3 line 14 thru col. 4 line 64).

Regarding claim 2, Alewine et al. further discloses a method according to claim 1 wherein the location identifier is added to the data by the base station (col. 1 line 35 thru col. 2 line 43, and col. 3 line 14 thru col. 4 line 64).

Regarding claim 3, Alewine et al. further discloses a method according to claim 1 wherein the location identifier is included in the data collected from the data source and transmitted to the base station (fig. 2-4, col. 1 line 35 thru col. 2 line 43, and col. 3 line 14 thru col. 4 line 64).

Regarding claim 4, Alewine et al. further discloses a method according to claim 1 in which the location identifier is supplied by a location-aware component within the portable communications device (when the mobile unit can determine its own location and speed which means it has a location-aware component) (col. 1 lines 50-58).

Regarding claim 7, Alewine et al. further discloses a method according to claim 2:

a) wherein the transmitted data comprises an identifier identifying the portable communications device, sent with the location identifier (fig. 2-4, col. 1 line 34 thru col. 2 line 42, and col. 3 line 21 thru col. 4 line 64); and

Art Unit: 2683

b) the data is used to determine the position and speed of motion of the portable communications device (abstract, fig. 4, col. 1 lines 34-58).

Regarding claim 8, Alewine et al. further discloses a method according to claim 7 wherein the portable communications device is carried in a vehicle, and the collected data is used to derive location, speed and direction information relating to that vehicle (abstract, fig. 1).

Regarding claim 9, Alewine et al. further discloses a method according to claim 8 wherein data collected from numerous portable communications device carried in respective vehicles is used to derive average speed and direction information relating to traffic in a certain location (abstract, fig. 1-4, col. 3 line 20 thru col. 4 line 64).

Regarding claim 10, Alewine et al. further discloses a method according to claim 8 wherein the derived speed and direction data is used to control traffic in the respective location (abstract, fig. 1-4, col. 3 line 20 thru col. 4 line 64).

Regarding claim 15, Alewine et al. further discloses a method according to claim 1, in which the portable communications device is a mobile telephone (abstract).

Regarding claim 16, Alewine et al. further disclose a method according to claim 4, wherein the location aware component is a GPS receiver built in to the portable communications device (#203 fig. 4, col. 4 lines 42-64).

Regarding claim 17, Alewine et al. further discloses a method according to claim 1, wherein the data is communicated to the data collection point over a telephone network (abstract, fig. 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alewine et al. (6,150,961) in view of Grube et al. (6,031,455).

Regarding claim 5, Alewine et al. further discloses a method according to claim

1. However, Alewine et al. does not specifically disclose, wherein the portable communications device incorporates an environmental sensor as the data source, which provides information relating to environmental conditions in the immediate locality of the portable communications device.

Grube et al. teaches the portable communications device incorporates an environmental sensor as the data source, which provides information relating to environmental conditions in the immediate locality of the portable communications device (abstract, #37,40 fig. 2). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Alewine et al. with the teaching of Grube et al. in order to determine the environmental condition of a location to report or to warn the people with the condition.

Regarding claim 6, Grube et al. further discloses a method according to claim 5 wherein the environmental sensor provides information representing at least one of:

Art Unit: 2683

temperature, air pressure, humidity, radiation, air contaminant levels, acoustic noise, magnetic fields, electromagnetic and/or radio signal levels, light levels, pollen count, pheromone levels (col. 2 line 28 thru col. 4 line 49).

Regarding claim 19, Alewine et al. further disclose a portable communications device for use in a method according to claim 5, comprising:

a) a power source (col. 4 lines 43-64). However, Alewine et al. does not specifically disclose an environmental sensor for detecting environmental conditions in the locality of the device, and for providing corresponding data to communications circuitry; and communications circuitry for transmitting the data to a base station.

Grube et al. teaches a portable communication device comprises: an environmental sensor for detecting environmental conditions in the locality of the device, and for providing corresponding data to communications circuitry (fig. 2); and communications circuitry for transmitting the data to a base station (fig.1-3). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Alewine et al. with the teaching of Grube et al. in order to determine the environmental condition of a location to report or to warn the people with the condition.

Regarding claim 20, Grube et al. further discloses a device according to claim 19 wherein the environmental sensor provides information representing at least one of: temperature, air pressure, humidity, radiation, air contaminant levels, acoustic noise, magnetic fields, electromagnetic and/or radio signal levels, light levels, pollen count, pheromone levels (col. 2 line 28 thru col. 4 line 49).

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 19.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alewine et al. (6,150,961) in view of Tracy et al. (6,150,955).

Regarding claim 11, Alewine et al. further disclose a method according to any of claim 1. However, Alewine et al. does not specifically disclose, wherein an external data source wirelessly transmits data to the portable communications device.

Tracy et al. teaches an external data source wirelessly transmits data to the portable communications device (abstract, fig. 1-4, col. 2 lines 13-62). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Alewine et al. with the teaching of Tracy et al. of an external data source wirelessly transmits data to the portable communications device in order to provide the data information to portable device and to the central monitoring.

Regarding claim 12, Tracy further discloses a method according to claim 11 wherein the external data source transmits the data by very short range (infrared) radio transmission (fig. 1-2, col. 3 lines 33-56).

Regarding claim 13, Tracy et al. further discloses a method according to claim 12 wherein the data transmitted by the very short range radio transmission comprises information relating to meter readings (abstract, fig. 1-3, col. 3 line 33 thru col. 4 line 3).

Art Unit: 2683

Regarding claim 14, Alewine et al. further discloses a method according to any of claim 11, in which the transmitted data incorporates an identifier identifying the transmitter, which is used as the location identifier (col. 4 lines 29-42).

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label
"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Art Unit: 2683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



May. 11, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600